



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 206 • San Luis Obispo, CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

January 16, 2014

**VIA FAX (408) 970-9975 AND
E-MAIL pea@andpac.com AND
CERTIFIED MAIL
RETURN RECIEPT REQUESTED**

Peter E. Anderson
Anderson Pacific Engineering Construction, Inc.
1390 Norman Avenue
Santa Clara, CA 95054

SUBJECT: Notice of "Final Decision on Responsiveness of Anderson Pacific's Bid" for the Los Osos Wastewater Project, Los Osos Water Recycling Facility, Los Osos, CA, Contract No. 300448.08.02

Dear Mr. Anderson:

Enclosed is the County's "Final Decision on Responsiveness of Anderson Pacific's Bid" for the Los Osos Wastewater Project, Los Osos Water Recycling Facility, Los Osos, CA, Contract No. 300448.08.02. Pursuant to paragraph 1.2 of "Rules Governing Bid Protests and Other Challenges to Awards of Construction Contracts" that was included with the Bid Documents as Appendix N, this Final Decision of the Department head shall be the final decision of the County with no provision for reconsideration or appeal to the Board.

Sincerely,

A handwritten signature in cursive script that reads "Dave Flynn".

DAVE FLYNN
Deputy Public Works Director
County Public Works Department
Room 207
County Government Center
San Luis Obispo, CA 93408

Attachment: "Final Decision on Responsiveness of Anderson Pacific's Bid" (dated January 16, 2014).

c: Paavo Ogren, Public Works Director
Jeff Werst, Design Division Manager, Public Works Dept.
John Waddell, Los Osos Wastewater Project Manager
Crandall Bates, Balfour Beatty Infrastructure, Inc.
Andrew P. Granner, Auburn Constructors, Inc.

File: 300448.08.02

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

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Fax (805) 781-1229 email address: pwd@co.slo.ca.us

FINAL DECISION ON RESPONSIVENESS OF ANDERSON PACIFIC'S BID

Los Osos Wastewater project – Water Recycling Plant
Contract No. 300448.08.02

Bid opening Date: November 25, 2013

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PUBLIC WORKS

INTRODUCTION

This document constitutes the County's final decision regarding the responsiveness of the Anderson Pacific Engineering, Inc. ("Anderson") bid for the Los Osos Wastewater Project, Los Osos Water Recycling Facility, Los Osos, CA, Contract No. 300448.08.02 (the "Contract"). A copy of the County's "Rules Governing Bid Protests and Other Challenges to Awards of Construction Contracts." ("Bid Protest Rules", see attached Exhibit A) was attached as Appendix N of the Contract Documents. Pursuant to section 1.1.8. of the Bid Protest Rules, the Public Works Department Head has designated the undersigned to assume the role of the "Department Head" described in said Rules. This final decision of the undersigned Department Head's designee constitutes the County's final decision under Section 1.2 of said Rules.

BACKGROUND

The Board approved the above referenced project for advertisement for bids on October 8, 2013. The County received five bids for the above referenced project which were opened on November 25, 2013.

On December 17, 2013, Department Head sent a Notice of Initial Determination of Nonresponsiveness of Bid ("NID", see attached Exhibit B) to the apparent second lowest bidder, Anderson Pacific Engineering Construction, Inc. ("Anderson"), with a subsequent amendment to the NID sent to Anderson on December 19, 2013 (see attached Exhibit C). In the NID, the Department Head contended that the bid submittal of Anderson included an irregularity with the List of Subcontractors form (Section 00480) in the listing of the percentage of work to be performed by the electrical subcontractor, Electricraft, Inc., and that Anderson's bid must be rejected as nonresponsive. A copy of Anderson's bid sheet and List of Subcontractors form are attached to this memorandum as Exhibits D and E, respectively. On December 27, 2013, Anderson submitted a response to the NID, a copy of which is also attached to this memo as Exhibit F.

FINDINGS

The Department Head finds that the bid package submittal of Anderson had a material error based on the following:

According to Anderson's submittal of the List of Subcontractors form (Section 00480) "Electrical" work will be performed by "Electric Craft" (Electricraft, Inc). The form indicates that Electricraft will be performing 0.13% of the total contract,

which is equivalent to approximately \$61,800, based on Anderson's total Bid price of \$47,540,170.78.¹

Based on the face of the bid, Anderson is improperly proposing to self-perform almost all of the electrical and instrumentation work. This is in direct contradiction to the bidding requirement that the electrical and instrumentation work only be performed by a prequalified entity.

Section 00100 "Advertisement for Bids," second paragraph at the top of page 00100-2 provides as follows: "If a pre-qualified general contractor has not also been separately pre-qualified to perform electrical specialty trade work, the general contractor can only select pre-qualified subcontractors for electrical specialty trade work." On August 12, 2013 the County released a Request for Statements of Qualification (RSOQ) PS-#1228 for Pre-Qualification of Electrical Sub-Contractors Seeking to Bid on the Construction Contract for the Los Osos Water Recycling Facility, with a submittal date for Statements of Qualification of September 5, 2013. Anderson did not seek to be prequalified, and was not pre-qualified to perform electrical subcontracting for the project and would therefore be unable to self-perform this portion of the work.

The proper performance of complex electrical instrumentation and other complex electrical work is critical to the proper functioning of the Water Recycling Plant to be constructed under this Contract. The County underwent a lengthy prequalification process under Public Contract Code Section 20101 in order to assure that this specialized, complex electrical work was only performed by subcontractors (or general contractors) that had been properly prequalified to do the work. The performance of this work by only prequalified entities was a material part of the Contract, and the bidders were clearly informed of this in the Advertisement for Bids.

On page 1 of their letter of response to the NID, Anderson contended that Electricraft, Inc. would actually be performing 13% of the contract, and on page 3 Anderson states: "It is clear from Anderson Pacific's bid, that the percentage symbol should not have been included next to each number. If the percentage symbols are removed, then Anderson Pacific's bid would accurately reflects (sic) that percentage of work." However, even the blanket removal of the percent symbol from each entry on Anderson Pacific's List of Subcontractors form does

¹ The value of the electrical work based upon the subcontractor lists of the other Bidders (attached as Exhibits G, H, I and J) is approximately \$5.8 - \$7.8 million (based upon multiplying the other bidder's listed percentage of the electrical work times their respective total bid prices) Bidder Auburn Constructors, Inc. was pre-qualified by the County to perform the electrical and instrumentation work for the project, and did not list a subcontractor for the electrical work.

not seem to be appropriate since it leads to incoherent results. This would result in a value for "Painting / Coatings" of 0.12 of the total contract, which would be an amount equivalent to approximately \$5.7 million, based on Anderson's total bid price of \$47,540,170.78. This would also result in a value for "Steel Tank" of 0.7 of the total contract, which would be an amount equivalent to approximately \$25.5 million. Both of these amounts would appear to be totally inaccurate because they are completely unrealistic when compared with the value other bidders placed on these portions of the project work in their List of Subcontractor forms.

The table included in Section 00480 is part of the bid documents and as indicated in Article 7 "Attachments to this Bid" of Section 00410, was required to be signed and submitted with the Bid. Section 00480 required that each bidder list the "Percent of Total Contract" that each listed subcontractor would be performing. Listing this percentage of the total contract for the work of the subcontractors, though not necessarily required by the PCC Section 4104, was a requirement of the bid documents.

Such a specification made listing the subcontractor percentages a material element of the bid. (See Valley Crest Landscape, Inc. v. City Council (1996) 41 Cal.App.4th 1432, 1442-1443.[Valley Crest]) As the Valley Crest Court explained (at 1442):

Misstating the correct percentage of work to be done by a subcontractor is in the nature of a typographical or arithmetical error. It makes the bid materially different and is a mistake in filling out the bid. As such, under Public Contract Code Section 5103, [the bidder] could have sought relief by giving the City notice of the mistake within five days of the opening of the bid. That [the bidder] did not seek such relief is of no moment. The key point is that such relief was available. Thus, [the bidder] had a benefit not available to the other bidders; it could have backed out. Its mistake, therefore, could not be corrected by waiving an "irregularity".

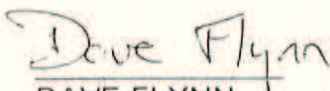
Based on review of Anderson's Listing of Subcontractor form that was submitted with their bid, the County finds that the errors and inconsistencies in listing of the percentage for each subcontractor's portion of the work renders the Bid non-responsive to the bid requirements. In addition, by listing the percentage of the electrical subcontractor work to 0.13% of the total contract (which is equivalent to approximately \$61,800), Anderson could have identified this as a bidder's mistake and sought to be relieved from its bid under Public Contract Code Sections 5103. Whether this was intended or not, having the ability to seek relief

from its bid without jeopardizing loss of its bid bond provides a bidder with an unfair advantage not enjoyed by other bidders.

For all of the reasons stated above, the County finds that Anderson's error constituted a material variance that could not be waived by the County. However, the County is not solely relying on the material nature of the variance to support this final decision. A local agency also has the discretion to not waive an immaterial variance of a bidder. (See MCM Construction, Inc. v. City and County of San Francisco (1998) 66 Cal. App. 4th 359, 374.) Since Anderson's bidding mistake is clearly at variance to the bidding requirements, Anderson's bid is deemed nonresponsive and unacceptable by the County regardless of whether the variance is material or not. In other words, in addition to finding Anderson's error to be a material variance that could not be waived by the County, the County is also exercising its discretion to not waive Anderson's variance regardless of whether the variance is material or not.

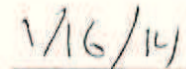
CONCLUSION

For all of the above reasons, the County hereby finds the bid proposal of Anderson Pacific to be nonresponsive. The County does not waive the variance in Anderson's bid, and concludes that the bid is nonresponsive and unacceptable to the County. Pursuant to section 1.2 of the Bid Protest Rules, this document constitutes the final decision of the County, with no provision for reconsideration or appeal to the County's Board of Supervisors.



DAVE FLYNN

Deputy Public Works Director



Date

Exhibits:

- A. "Rules Governing Bid Protests and Other Challenges to Awards of Construction Contracts."
- B. NID dated December 17, 2013 to Anderson Pacific Engineering, Inc.
- C. Amended NID dated December 19, 2013 to Anderson Pacific Engineering, Inc.
- D. Bid Sheet of Anderson Pacific Engineering, Inc.
- E. List of Subcontractors form from Anderson Pacific Engineering, Inc.
- F. Response letter from Anderson Pacific Engineering, Inc., dated December 27, 2013

- G. List of Subcontractors form from Balfour Beatty Infrastructure, Inc.
- H. List of Subcontractors form from Archer Western Const., LLC
- I. List of Subcontractors form from PCL Construction, Inc.
- J. List of Subcontractors form from Auburn Constructors, Inc.



**FINAL DECISION ON RESPONSIVENESS
OF ANDERSON PACIFIC'S BID**

**Los Osos Wastewater project – Water Recycling Plant
Contract No. 300448.08.02**

Bid opening Date: November 25, 2013

Exhibit A

**County of San Luis Obispo Rules
Governing Bid Protests and Other
Challenges to Awards of Construction
Contracts**



COUNTY OF SAN LUIS OBISPO

Rules Governing Bid Protests And Other Challenges to Awards of Construction Contracts

The requirements set forth in these “Rules Governing Bid Protests And Other Challenges to Awards of Construction Contracts” (“Rules”) are mandatory and are a Bidder’s sole and exclusive remedy in the event a Bidder desires to challenge, protest or contest the award of any Construction Contract. A Bidder’s failure to comply with these requirements shall constitute a waiver of any right to challenge, protest or contest the award of a Construction Contract in any subsequent proceeding, including but not limited to, the filing of a court action.

A Bidder may not rely upon another Bidder’s compliance with the requirements of these Rules. Any Bidder that does not independently comply with the requirements set forth herein shall be deemed to have waived any right to challenge, protest or contest the award of a Construction Contract.

Nothing in these Rules affects the right of the County to reject all bids at any time prior to the award of a Construction Contract.

1.1 Definitions

- 1.1.1 Bidder - The contractor submitting a bid in response to a County solicitation for bids on a Construction Contract.
- 1.1.2 Protestor - A Bidder who files a Protest in accordance with the provisions of these Rules.
- 1.1.3 Board – Board of Supervisors of the County of San Luis Obispo (hereinafter, also “County”)
- 1.1.4 Construction Contract - Any Construction Contract which is formally or informally advertised for bids in which the County of San Luis Obispo is, or will be, a party.
- 1.1.5 Protest – Any challenge, objection, or protest to the award of a Construction Contract to any Bidder.
- 1.1.6 Response – Any response to a Protest that is filed by an Interested Party in accordance with the provisions of these Rules.
- 1.1.7 Responsible Department - The County department, agency, or office responsible for the preparation of the bid documents for the Construction Contract and the administration of the Construction Contract.
- 1.1.8 Department Head - The person designated by the Board to be the head of the Responsible Department, or that person designated by the Department

Head to assume the powers, duties, and responsibilities conferred upon the Department Head under these Rules.

- 1.1.9 Initial Determination – A written notice by the Department Head that notifies a Bidder of the reasons why the Department Head believes that a bid is nonresponsive, or that a Bidder is not a responsible Bidder.
- 1.1.10 Interested Parties - For the purpose of these Rules, Interested Parties are defined as:
 - 1.1.10.1 The Responsible Department and/or its Department Head.
 - 1.1.10.2 Any Bidder that filed a Protest or whose bid is the subject of an Initial Determination.
 - 1.1.10.3 Any Bidder whose eligibility for having the Construction Contract awarded to it as a responsible Bidder with the lowest responsive bid would be affected by the outcome of a Protest or Initial Determination.

1.2 Department Head's Independent Authority to Determine Bid Responsiveness and Bidder Responsibility.

- 1.2.1 Regardless of whether a Protest is submitted under these Rules, the Department Head is authorized to determine whether any bid is a responsive bid and whether any Bidder is a responsible Bidder. In the event the Department Head issues an Initial Determination, the Department Head shall provide the Interested Parties with written notice of the Initial Determination at least five (5) business days before the Department Head renders a final decision addressing the grounds stated in the Initial Determination. A final decision of the Department Head under this section 1.2 shall be the final decision of the County with no provision for reconsideration or appeal to the Board.
- 1.2.2 The Department Head need not issue an Initial Determination in order to make a final decision on whether a bid is a responsive bid or a Bidder is a responsible Bidder. A final decision can also be issued by the Department Head through the processing of a Protest pursuant to the procedures set forth in these Rules.
- 1.2.3 The Department Head reserves the right to amend or withdraw an Initial Determination at any time before the Department Head renders a final decision addressing the grounds stated in the Initial Determination. When an Initial Determination is withdrawn, it shall have the same effect as if the Initial Determination had never been made.

1.3 Basis for Protest

- 1.3.1 Grounds for Protest – The grounds for a Protest may include any grounds a Protestor may have for contesting or challenging the award of a Construction Contract to any Bidder, including but not limited to the following grounds:

- 1.3.1.1 A Protestor objects to a Construction Contract being awarded to another Bidder on the grounds that the other Bidder's bid is nonresponsive.
- 1.3.1.2 A Protestor objects to a Construction Contract being awarded to another Bidder on the grounds that the other Bidder is not a responsible Bidder.
- 1.3.1.3 A Protestor objects to a Construction Contract being awarded to the Protestor on the grounds that the Protestor made a mistake in its bid that entitles the Protestor to be relieved of its bid under Public Contract Code Sections 5100 et seq
- 1.3.1.4 A Protestor objects to a Department Head's Initial Determination issued under section 1.2.1 above.
- 1.3.2 Required Form of Protest - All Protests shall be made in writing, containing the information listed below, and shall be filed with the Department Head . Protests shall contain the following information:
 - 1.3.2.1 The name, address, telephone, facsimile numbers, and email address of the Protestor.
 - 1.3.2.2 The signature of the Protestor or its representative.
 - 1.3.2.3 The bid, solicitation and/or contract number.
 - 1.3.2.4 The Protest must contain a complete statement of all grounds for the Protest, and must refer to the specific portion of the bid documents that are the basis of the Protest. The Protest must set forth all supporting facts and documentation. If Protester believes there are some facts relevant to its Protest that Protester cannot adequately present in writing, Protester must describe such facts in its Protest under the heading "Facts Requiring Oral Presentation", and state therein the reasons why the Bid Protester believes it cannot adequately present those facts through documentation.
 - 1.3.2.5 All information establishing that the Protestor is a Bidder for the purpose of filing a Protest.
 - 1.3.2.6 The form of relief requested.

1.4 Protest Requirements and Procedure

- 1.4.1 Standing to Protest - Protests shall be filed only by a Bidder.
- 1.4.2 Time for Filing a Protest
 - 1.4.2.1 Except as provided in sections 1.4.2.2 and 1.4.2.3 below, all Protests must be submitted in writing to the Department Head before 5 p.m. PST of the fifth (5) business day following the date upon which the bids on the Construction Contract were opened.
 - 1.4.2.2 When a Protestor objects to a Construction Contract being awarded to the Protestor on the grounds that the Protestor made a mistake in its bid that entitles the Protestor to be relieved of its bid under Public Contract Code Sections 5100 et seq, the Protest must be submitted in writing to the Department Head before 5 p.m. PST of the fifth (5) business day following the date upon

which the bids on the Construction Contract were opened pursuant to Public Contract Code Section 5103.

- 1.4.2.3 When the Protestor objects to an Initial Determination made by the Department Head under section 1.2.1 above, the Protest must be submitted in writing to the Department Head before 5 p.m. PST of the fifth (5) business day following the date upon which the Initial Determination was first delivered to Protestor (either electronically or otherwise).
- 1.4.3 Written Responses of Interested Parties - If any Interested Party desires to respond to the Protest, the Response must be submitted in writing to the Department Head within five (5) business days of the date the Protest was first delivered to the Interested Party (either electronically or otherwise). If an Interested Party believes there are some facts relevant to its Response that the Interested Party cannot adequately present in writing, the Interested Party must describe such facts in its Response under the heading "Facts Requiring Oral Presentation", and state therein the reasons why the Interested Party believes it cannot adequately present those facts through documentation.
- 1.4.4 Proof of Transmittal - All Protests, Responses, and Replies shall include documentation evidencing that all Interested Parties were concurrently sent a complete copy of the respective Protest, Response or Reply in a manner that would provide all Interested Parties with a complete copy of the respective Protest, Response or Reply no later than one (1) business day after it was sent to the Department Head. The means of transmission chosen must also provide the sending party a means of verifying the date and time the copy was received by each Interested Party. Transmission by email may be an acceptable means of transmittal.
- 1.4.5 No Ex Parte or Unilateral Communications on the Merits of a Protest - No Bidder shall have any written communications regarding the merits of a Protest with the Responsible Department or its Department Head that are not concurrently sent to all of the other Interested Parties. No Bidder shall have any oral communications regarding the merits of a Protest with the Responsible Department or its Department Head other than during an oral presentation properly noticed by the Department Head under these Rules.
- 1.4.6 Suspension of Process for Proposed Rejection of all Bids - At any time during the processing of a Protest, the Department Head may elect to indefinitely suspend any further processing of the Protest by providing written notice to all Interested Parties that the Department Head intends to recommend to the Board that all bids be rejected. All time deadlines provided in these Rules shall be tolled during any such suspension period. If the Board decides to not reject all bids, or if the Department Head otherwise decides to lift the suspension, the requirements of these Rules shall be reactivated upon the Department Head providing all Interested Parties with written notice thereof.

1.5 Summary Dismissal of Protest

The Department Head may summarily dismiss a protest, or specific protest allegations, at any time that the Department Head determines that the Protest is untimely, frivolous, or without merit; is not submitted in the required form of Protest, as set forth above in section 1.3.2., "Required Form of Protest;" or is submitted by a non-Bidder. In such cases, a notice of summary dismissal will be furnished to the Interested Parties. Such a summary dismissal shall be the final decision of the County with no provision for reconsideration or appeal to the Board.

1.6 Decision by the Department Head Based on Written Submissions Only

In reaching a decision on the merits of a Protest, the Department Head may consider relevant documentation submitted by the Protestor and any other Interested Party. If the Department Head wishes to have additional information submitted that was not included in the Protest or in any documentation from other Interested Parties, the Department Head may make a request specifying the information sought and time for submittal. Submissions of additional information that have not been specifically requested by the Department Head may not be considered at the Department Head's sole discretion. If the Department Head does not provide an opportunity for an oral presentation under section 1.7 below, the Department Head will issue a written decision without any oral presentation. . The Department Head's decision shall be the final decision of the County with no provision for reconsideration or appeal to the Board.

1.7 Decision by the Department Head Following Oral Presentation

1.7.1 The Department Head may, at his or her discretion, elect to provide an opportunity for the Protestor and other Interested Parties to make an oral presentation to the Department Head regarding the Protest. In such event, oral presentations shall be conducted in accordance with the following procedure:

1.7.1.1 Notice of Oral Presentation - The Department Head will set a date, time, and place for an oral presentation. Written notice will be sent to Interested Parties not less than five (5) business days in advance of the oral presentation unless it is agreeable to all parties that an earlier date be established. Continuances may be granted by the Department Head for good cause.

1.7.1.2 Guidelines for Oral Presentation - Oral presentations are informal in nature and shall be made by the Protestor or its authorized representative. Technical rules of evidence shall not apply. The Department Head will determine how the oral presentations will be conducted and may set time limits for the presentation. The Department Head may question Interested Parties or provide an opportunity for Interested Parties to make an oral presentation. The Department Head may request additional documentation or information prior to, during or after the oral presentation. Unless

requested by the Department Head, additional documentation or information may not be accepted.

1.7.1.3 Record of Oral Presentation - Any Interested Party may request, and in the Department Head's sole discretion, the Department Head may allow recording of the presentation. If the Department Head allows the presentation to be recorded, the Interested Party requesting that the presentation be recorded must pay the cost of recording, including the costs to make and distribute copies of the recording to the Department Head and other Interested Parties. There shall be no cost to the County.

1.7.1.4 Decisions - The Department Head will issue a written decision within 30 calendar days of the oral presentation; however, the time for issuing the written decision may be extended by the Department Head. A copy of the decision will be furnished to the Interested Parties. The decision shall be the final decision of the County with no provision for reconsideration or appeal to the Board.

1.8 Effect on Contracts

The failure of a County employee or department to comply with the provisions stated in these Rules shall in no way affect the validity of any Construction Contract entered into by the County.

1.9 Department Head Decisions on Protests Seeking Relief from a Bidder's Mistake under Public Contract Code Section 5103.

When a Protestor objects to a Construction Contract being awarded to the Bid Protester on the grounds that the Protestor made a mistake in its bid that entitles the Protestor to be relieved of its bid under Public Contract Code Sections 5100 et seq, a final decision of the Department Head that relieves the Protestor of its bid on the grounds of mistake must be approved by the Board before it can become a final decision of the County. Any other final decision of the Department Head regarding a Protestor's request to be relieved of its bid on the grounds of mistake under Public Contract Code Sections 5100 et seq, shall be the final decision of the County with no provision for reconsideration or appeal to the Board.



**FINAL DECISION ON RESPONSIVENESS
OF ANDERSON PACIFIC'S BID**

**Los Osos Wastewater project – Water Recycling Plant
Contract No. 300448.08.02**

Bid opening Date: November 25, 2013

Exhibit B

**Notice of Initial Determination dated
December 17, 2013 to Anderson Pacific
Engineering, Inc.**



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 206 • San Luis Obispo, CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

December 17, 2013

**VIA FAX (408) 970-9975 AND
E-MAIL pea@andpac.com AND
CERTIFIED MAIL
RETURN RECIEPT REQUESTED**

Peter E. Anderson
Anderson Pacific Engineering Construction, Inc.
1390 Norman Avenue
Santa Clara, CA 95054

SUBJECT: Notice of Initial Determination of Nonresponsiveness of Bid for Los Osos Wastewater Project, Los Osos Water Recycling Facility, Los Osos, CA, Contract No. 300448.08.02

Dear Mr. Anderson:

The County Public Works Department has reviewed the bids opened on Monday, November 25, 2013 for the above referenced project. The purpose of this letter is to provide you with a notice that the Public Works Department has made an initial determination that your bid is non-responsive. Pursuant to paragraph 1.1.9 of "Rules Governing Bid Protests and Other Challenges to Awards of Construction Contracts" ("Rules") that was included with the Bid Documents as Appendix N, this letter is intended to provide you with written notice of the Department's Initial Determination.

The San Luis Obispo County Department of Public Works ("Public Works") has evaluated the bid submitted by Anderson Pacific Engineering Construction, Inc. ("Anderson") and has identified the following irregularities:

1. Bid Form, Section 00410. The Bid Form (Section 00410) was missing page 00410-6, which includes the Contractor's license number, and "This Bid is submitted by:" portions of the Bid Form. The Bid Form did include page 00410-7 with the corporate signature of Peter Anderson.
2. Compliance Statement form (Section 00440). The Compliance Statement form (Section 00440) incorrectly lists the "City of Los Osos" as the "name of borrower or grantee" on the blank at the top of the form.
3. Bid Bond form (Section 00430). The signature of the Bidder on the Bid Bond did not appear to be acknowledged by a Notary Public, as required by Section 00700, paragraph 5.01.b.

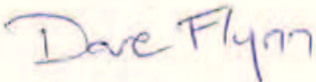
4. List of Subcontractors form (Section 00480). According to Section 00480, the List of Subcontractors form, "Electrical" work will be performed by "Electric Craft" (Electriccraft, Inc.). The form indicates that Electriccraft will be performing 0.13% of the total contract, which is equivalent to approximately \$61,800, based on Anderson's total Bid price of \$47,540,170.78. The subcontractor lists of other Bidders had the electrical work listed to be approximately \$5.8 - \$7.8 million. Therefore, based on the face of your bid, Anderson is improperly proposing to self-perform almost all of the electrical and instrumentation work.

Section 00100 "Advertisement for Bids," second paragraph at the top of page 00100-2 provides as follows: "If a pre-qualified general contractor has not also been separately pre-qualified to perform electrical specialty trade work, the general contractor can only select pre-qualified subcontractors for electrical specialty trade work." On August 12, 2013 the County released a Request for Statements of Qualification (RSOQ) PS-#1228 for Pre-Qualification of Electrical Sub-Contractors Seeking to Bid on the Construction Contract for the Los Osos Water Recycling Facility, with a submittal date for Statements of Qualification of September 5, 2013. Anderson did not seek to be prequalified, and was not pre-qualified to perform electrical subcontracting for the project and would therefore be unable to self-perform this portion of the work.

Based on the requirements of the Contract Documents, the undersigned Department Head designee has made an initial determination that the above identified irregularities render your bid proposal non-responsive. Pursuant to paragraph 1.1.9 of "Rules Governing Bid Protests and Other Challenges to Awards of Construction Contracts" ("Rules") that was included with the Bid Documents as Appendix N, this letter is intended to provide you with written Notice of this Initial Determination. After you have had the opportunity to respond as set forth below, the Department Head will make a final decision on whether any or all of the above irregularities make your bid nonresponsive.

Should you desire to do so, you may respond to this Notice with any facts, documentation, or other information which you consider to be contrary or inconsistent with the above initial determination. In accordance with paragraph 1.4.2.3 of Rules, should Anderson object to this Initial Determination, such Protest must be submitted in writing to the Department Head before 5 p.m. PST of the fifth (5) business day following the date upon which this Initial determination was first delivered, either electronically or otherwise. Please respond to the undersigned in writing at the address below by the close of business Tuesday, December 24, 2013.

Sincerely,



DAVE FLYNN
Deputy Public Works Director
County Public Works Department, Room 207
County Government Center
San Luis Obispo, CA 93408

c: Paavo Ogren, Public Works Director
Jeff Werst, Design Division Manager, Public Works Dept.
John Waddell, Los Osos Wastewater Project Manager
Crandall Bates, Balfour Beatty Infrastructure, Inc.
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File: 300448.08.02

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**FINAL DECISION ON RESPONSIVENESS
OF ANDERSON PACIFIC'S BID**

**Los Osos Wastewater project – Water Recycling Plant
Contract No. 300448.08.02**

Bid opening Date: November 25, 2013

Exhibit C

**Amended Notice of Initial Determination
dated December 19, 2013 to Anderson
Pacific Engineering, Inc.**



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 206 • San Luis Obispo, CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

December 19, 2013

**VIA FAX (408) 970-9975 AND
E-MAIL pea@andpac.com AND
CERTIFIED MAIL
RETURN RECIEPT REQUESTED**

Peter E. Anderson
Anderson Pacific Engineering Construction, Inc.
1390 Norman Avenue
Santa Clara, CA 95054

SUBJECT: Amendment to Notice of Initial Determination of Nonresponsiveness of Bid
for Los Osos Wastewater Project, Los Osos Water Recycling Facility, Los
Osos, CA, Contract No. 300448.08.02

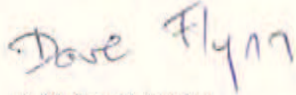
Dear Mr. Anderson:

The County Public Works Department hereby amends the Notice of Initial Determination ("NID") of Nonresponsiveness (dated December 17, 2013, copy attached) by deleting the first three items described in the NID. Accordingly, the only remaining irregularities in the NID are those described in the paragraphs under item 4, entitled "List of Subcontractors form (Section 00480)".

Upon further review, the Department Head has decided to delete the first three items described in the original NID based upon the Department Head's revised initial determination that the first three items described in the NID are waiveable irregularities which (based upon the Department Head's current state of knowledge at this stage in the proceedings) the Department Head is currently inclined to not consider as grounds for a determination that the bid was nonresponsive. The Department Head expressly reserves the right to later amend the NID to reinsert one or more of these items if the Department Head's initial determination changes.

In consideration of this amendment to the Notice of Initial Determination, the date for Anderson to respond in writing to the undersigned is hereby extended to 5 p.m. on Friday, December 27, 2013.

Sincerely,



DAVE FLYNN
Deputy Public Works Director
County Public Works Department, Room 207
County Government Center
San Luis Obispo, CA 93408

Attachment

c: Paavo Ogren, Public Works Director
Jeff Werst, Design Division Manager, Public Works Dept.
John Waddell, Los Osos Wastewater Project Manager
Crandall Bates, Balfour Beatty Infrastructure, Inc.
Andrew P. Granner, Auburn Constructors, Inc.

File: 300448.08.02

L:\DESIGN\DEC13\300448.08.02 Amended Initial Determination ltr 12-19-13 jeff.doc.jbw.taw



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 206 • San Luis Obispo, CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

December 17, 2013

**VIA FAX (408) 970-9975 AND
E-MAIL pea@andpac.com AND
CERTIFIED MAIL
RETURN RECIEPT REQUESTED**

Peter E. Anderson
Anderson Pacific Engineering Construction, Inc.
1390 Norman Avenue
Santa Clara, CA 95054

SUBJECT: Notice of Initial Determination of Nonresponsiveness of Bid for Los Osos Wastewater Project, Los Osos Water Recycling Facility, Los Osos, CA, Contract No. 300448.08.02

Dear Mr. Anderson:

The County Public Works Department has reviewed the bids opened on Monday, November 25, 2013 for the above referenced project. The purpose of this letter is to provide you with a notice that the Public Works Department has made an initial determination that your bid is non-responsive. Pursuant to paragraph 1.1.9 of "Rules Governing Bid Protests and Other Challenges to Awards of Construction Contracts" ("Rules") that was included with the Bid Documents as Appendix N, this letter is intended to provide you with written notice of the Department's Initial Determination.

The San Luis Obispo County Department of Public Works ("Public Works") has evaluated the bid submitted by Anderson Pacific Engineering Construction, Inc. ("Anderson") and has identified the following irregularities:

1. Bid Form, Section 00410. The Bid Form (Section 00410) was missing page 00410-6, which includes the Contractor's license number, and "This Bid is submitted by:" portions of the Bid Form. The Bid Form did include page 00410-7 with the corporate signature of Peter Anderson.
2. Compliance Statement form (Section 00440). The Compliance Statement form (Section 00440) incorrectly lists the "City of Los Osos" as the "name of borrower or grantee" on the blank at the top of the form.
3. Bid Bond form (Section 00430). The signature of the Bidder on the Bid Bond did not appear to be acknowledged by a Notary Public, as required by Section 00700, paragraph 5.01.b.

4. List of Subcontractors form (Section 00480). According to Section 00480, the List of Subcontractors form, "Electrical" work will be performed by "Electric Craft" (Electricraft, Inc.). The form indicates that Electricraft will be performing 0.13% of the total contract, which is equivalent to approximately \$61,800, based on Anderson's total Bid price of \$47,540,170.78. The subcontractor lists of other Bidders had the electrical work listed to be approximately \$5.8 - \$7.8 million. Therefore, based on the face of your bid, Anderson is improperly proposing to self-perform almost all of the electrical and instrumentation work.

Section 00100 "Advertisement for Bids," second paragraph at the top of page 00100-2 provides as follows: "If a pre-qualified general contractor has not also been separately pre-qualified to perform electrical specialty trade work, the general contractor can only select pre-qualified subcontractors for electrical specialty trade work." On August 12, 2013 the County released a Request for Statements of Qualification (RSOQ) PS-#1228 for Pre-Qualification of Electrical Sub-Contractors Seeking to Bid on the Construction Contract for the Los Osos Water Recycling Facility, with a submittal date for Statements of Qualification of September 5, 2013. Anderson did not seek to be prequalified, and was not pre-qualified to perform electrical subcontracting for the project and would therefore be unable to self-perform this portion of the work.

Based on the requirements of the Contract Documents, the undersigned Department Head designee has made an initial determination that the above identified irregularities render your bid proposal non-responsive. Pursuant to paragraph 1.1.9 of "Rules Governing Bid Protests and Other Challenges to Awards of Construction Contracts" ("Rules") that was included with the Bid Documents as Appendix N, this letter is intended to provide you with written Notice of this Initial Determination. After you have had the opportunity to respond as set forth below, the Department Head will make a final decision on whether any or all of the above irregularities make your bid nonresponsive.

Should you desire to do so, you may respond to this Notice with any facts, documentation, or other information which you consider to be contrary or inconsistent with the above initial determination. In accordance with paragraph 1.4.2.3 of Rules, should Anderson object to this Initial Determination, such Protest must be submitted in writing to the Department Head before 5 p.m. PST of the fifth (5) business day following the date upon which this Initial determination was first delivered, either electronically or otherwise. Please respond to the undersigned in writing at the address below by the close of business Tuesday, December 24, 2013.

Sincerely,



DAVE FLYNN
Deputy Public Works Director
County Public Works Department, Room 207
County Government Center
San Luis Obispo, CA 93408

c: Paavo Ogren, Public Works Director
Jeff Werst, Design Division Manager, Public Works Dept.
John Waddell, Los Osos Wastewater Project Manager
Crandall Bates, Balfour Beatty Infrastructure, Inc.
Andrew P. Granner, Auburn Constructors, Inc.

File: 300448.08.02

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**FINAL DECISION ON RESPONSIVENESS
OF ANDERSON PACIFIC'S BID**

**Los Osos Wastewater project – Water Recycling Plant
Contract No. 300448.08.02**

Bid opening Date: November 25, 2013

Exhibit D

**Bid Sheet of Anderson Pacific
Engineering, Inc.**

ARTICLE 5- BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the prices indicated in the Bid Schedule:

| Bid Item | Description | Unit | Quantity | Total Price (in Figures) |
|----------|---|-----------------|----------|--|
| 1 | Mobilization (Not in excess of 2 percent of the Total Bid Price) | Lump Sum | 1 | \$ 800,000 |
| 2 | Provide adequate sheeting, shoring, and bracing, or equivalent method per Labor Code Section 6707. | Lump Sum | 1 | \$ 150,000 |
| 3 | Provide diaphragm-type metering pumps as specified in Section 11242 (this bid item does not include the Work referenced in Section 11242 and on the Drawings) | Lump Sum | 1 | \$58,940.60 (Preset - Do Not Change) |
| 4 | Provide cloth media disk filter units as specified in Section 11366A (this bid item does not include the Work referenced in Section 11336A and on the Drawings) | Lump Sum | 1 | \$1,096,230.18 (Preset - Do Not Change) |
| 5 | Provide control system programming as specified in Section 17100/17101 and provide industrial instrumentation and control system as specified in Section 17050, including those required for the Los Osos Collection System facilities. | Lump Sum | 1 | \$ 1,700,000 |
| 6 | Perform electrical system studies in accordance with Section 16305. | Lump Sum | 1 | \$ 35,000 |
| 7 | Allowance: Provide assistance to Owner during Start-Up Phase for handling or treating plant influent flows as specified in Section 01210 and 01660. | Lump Sum | 1 | \$1,000,000.00 (Preset - Do Not Change) |
| 8 | Perform demobilization, commissioning, and training (Not less than 2 percent of the Total Bid Price). | Lump Sum | 1 | \$ 1,000,000 |
| 9 | Los Osos Water Recycling Facility Project complete and in place in accordance with the Contract Drawings and Specifications exclusive of costs included for the bid items above. | Lump Sum | 1 | \$4,700,000 |
| | | Total Bid Price | | \$ 47,540,170.78 |

ARTICLE 6- TIME OF COMPLETION

6.01 Bidder agrees that the Work will be substantially complete and will be completed and ready for final payment in accordance with Paragraph 14.07 of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.

6.02 Bidder accepts the provisions of the Agreement as to liquidated damage.



**FINAL DECISION ON RESPONSIVENESS
OF ANDERSON PACIFIC'S BID**

**Los Osos Wastewater project – Water Recycling Plant
Contract No. 300448.08.02**

Bid opening Date: November 25, 2013

Exhibit E

**List of Subcontractors form from
Anderson Pacific Engineering, Inc.**

SECTION 00480

LIST OF SUBCONTRACTORS

In compliance with the provisions of Sections 4100-4113 of the Public Contract Code of the State of California, and any amendments thereto, the undersigned bidder sets forth the following:

- a. The name and location of the place of business of each subcontractor who will perform work or labor, or render service to the undersigned Prime Contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the Prime Contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of one percent of the undersigned Prime Contractor's total bid or in the case of bids for the construction of streets and highways, including bridges, in excess of one-half of one percent or ten thousand dollars (\$10,000), whichever is greater.*
- b. The portion of the work which will be done by each such subcontractor. Only one subcontractor shall be listed for each such portion.

*When there is a failure to list a subcontractor, as required, the law provides that the Contractor agrees to do the work with his or her own forces. In such case, bidder must be authorized to perform said work. Any bid not complying with the provisions hereof may be rejected.

Electrical Subcontractors must be pre-qualified to perform electrical specialty trade work. The final list of pre-qualified Electrical Subcontractors posted at
http://www.slocounty.ca.gov/PW/Design_Division/Projects_Out_To_Bid.htm

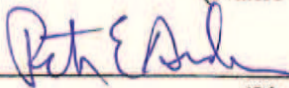
| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|-----------------------------|----------------|---------------------------|--|
| 1. Steel Tank YH | 3339891 | 0.701% | Spess Const. Co YH Santa Maria, CA |
| 2. masonry | 496931 | 0.01% | Santa Maria masonry Nipomo, CA |
| 3. HVAC | 821827 | 0.01% | James Long Const. services Sacramento CA |
| 4. FIRE SPRINKLER | 943465 | 0.0014% | Deep Blue Integration San Luis Obispo, CA |

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|---|----------------------|---------------------------|---|
| 5. monorail | 105023 | 0.05% | General Conveyor Inc. CORONA CA |
| 6. EARTHWORK | 767055 | 0.06% | Papich Const. Co Grover Beach CA |
| 7. Rebar | 695035 | 0.03% | HARRIS Salinas LIVERMORE CA |
| 8. Painting/coatings YH | 233474 YH | | COE RAY Painting Co YH Santa FE SPRINGS CA |
| 9. Plumbing YH | 667241 YH | | Gaweda Plumbing Contractors YH Yuba City CA |
| 10. Thoma YH Electrical YH | 274276 YH | 0.16% YH | Thoma Electric Inc YH Santa Luis obispo CA |
| 11. Painting/coatings | 742112 | 0.12% | Parada Painting Inc Roway CA |
| 12. Steel tank | 784971 | 0.7% | Paso Robles Tank Inc Paso Robles CA |

(ATTACH ADDITIONAL NUMBERED PAGES IF NEEDED)

Anderson Pacific Engineering Construction, Inc.

(Name of Bidder)



(Signature)

11/21/13

(Date)

END OF SECTION

00480-2

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|----------------------|----------------|---------------------------|--------------------------------------|
| 5. Electrical | 408443 | 0.13% | Electric Craft San Luis Obispo CA |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |

(ATTACH ADDITIONAL NUMBERED PAGES IF NEEDED)

Anderson Pacific Engineering Construction, Inc.

(Name of Bidder)

Debra E. Anderson

(Signature)

11/21/13

(Date)

END OF SECTION

00480-73



**FINAL DECISION ON RESPONSIVENESS
OF ANDERSON PACIFIC'S BID**

**Los Osos Wastewater project – Water Recycling Plant
Contract No. 300448.08.02**

Bid opening Date: November 25, 2013

Exhibit F

**Response letter from Anderson Pacific
Engineering, Inc.
dated December 27, 2013**

TIMOTHY L. MCINERNEY

LAW OFFICES
McINERNEY & DILLON
PROFESSIONAL CORPORATION
1999 HARRISON STREET • SUITE 1700
OAKLAND, CALIFORNIA 94612-4700
TELEPHONE (510) 465-7100
FAX (510) 465-8556

tlm@mcinerney-dillon.com

December 27, 2013

Via Email and Facsimile
Email: pwd@co.slo.ca.us
Fax: 805-781-1229

Dave Flynn
Deputy Public Works Director
County Public Works Department, Room 207
County Government Center
San Luis Obispo, CA 93408

Re: Los Osos Wastewater Project, Los Osos Water Recycling Facility
Los Osos, CA
Contract No. 300448.08.02

Dear Mr. Flynn:

Anderson Pacific Engineering Construction, Inc. ("Anderson Pacific") objects to the County of San Luis Obispo's ("County") initial finding that Anderson Pacific's bid on the Los Osos Wastewater Project was non-responsive. The County's determination is based on the note on the List of Subcontractors Form that Anderson Pacific's electrical subcontractor (Electricraft, Inc.) is performing "0.13%" of the total bid amount. Electricraft, Inc. is performing 13% of the contract. See attached proposal.

It is "well established that a bid which substantially conforms to a call for bids may, though it is not strictly responsive, be accepted if the variance cannot have affected the amount of the bid, or given a bidder an advantage or benefit not allowed other bidders or, in other words, if the variance is inconsequential. *Ghilotti Construction Co. v. City of Richmond* (1996) 45 Cal.App.4th 897, 904. Here, Anderson Pacific combined the numeric percent with the use of the percent symbol. The error is clearly inconsequential because it does not affect the amount of the bid and does not provide an advantage to Anderson Pacific. Furthermore, this issue involves the List of Subcontractors Form (Public Contract Code section 4104), and any penalties for perceived violations are addressed in section 4110.

A. Anderson Pacific's Bid Fulfills The Requirements Of Public Contract Code Section 4104.

County Specification section 00480, states that the listing of the subcontractors is in compliance with Public Contract Code sections 4100-4113.

Public Contract Code section 4104 requires bidders for public contracts to list the names of all subcontractors who will perform work in an amount in excess of one-half of 1 percent of the prime contractor's bid. Public Contract Code section 4104, subd. (a). The bidder must also set forth:

“The portion of the work which will be done by each subcontractor under this act. The prime contractor shall list only one subcontractor for each portion as is defined by the prime contractor in his or her bid.” Public Contract Code, section 4104, subd. (b).

Anderson Pacific fully complied with the contract documents and the Public Contract Code and listed each subcontractor that was performing over one-half of one percent and the portion of the work that the subcontractor would perform. The additional column to note “Percent of Total Contract” is not required by the code.

Anderson Pacific’s error of including the percent symbol does not violate the letter or intent of the Subletting and Subcontracting Fair Practices Act. Section 4101 states that “the Legislature found the practices of bid shopping and bid peddling resulted in poor quality of materials and workmanship, deprived the public of the benefits of fair competition, and led to insolvencies, loss of wages, and other evils.” Based on its listing of its subcontractors, Anderson Pacific could not shop the bids it received to other subcontractors.

B. The Instructions In Section 00480 Do Not Require That A Bidder List The Percentage Of Portion Of Work For Each Subcontractor.

The identification of the percentage of each subcontractor’s portion of work is not required in the written instructions for Section 00480. Section 00480 only requires that the bidder list (a) “[t]he name and location of the place of business of each subcontractors who will perform work or labor, or render serve to the under undersigned Prime Contractor...in an amount in excess of one-half of one percent of the undersigned Prime Contractor’s total bid...” and (b) “[t]he portion of the work which will be done by each subcontractor.”

Anderson Pacific identified each subcontractor and their portion of work as required in the written instructions.¹ Section 00480 does not specify that a bidder must list the percentage for each subcontractor’s portion of work. The table contradicts the written instructions in Section 00480 and Public Contract Code section 4104.

¹ Electricraft, Inc.’s bid is proof of the amount and percentage of the total contract. Public Contract Code section 4104 allows a public agency to request more information than set forth in the statute.

C. Anderson Pacific's Addition Of The Percent Symbol For Each Subcontractor In The Table Is Inconsequential And Listing Law Violations Are Addressed By Statute.

Unlike in *Valley Crest*, Anderson's Pacific's failure to clearly identify the percentage of each subcontractor's scope of work did not materially change Anderson Pacific's bid. In *Valley Crest*, the Owner's specifications required that all bidders list the percentage of work to be performed by each subcontractor in order to insure the prime contractor would be performing over 50% of the work. *Valley Crest Landscape, Inc. v. City Council* (1996) 41 Cal.App.4th 1432, 1436. Valley Crest attempted to change its bid from showing that 83% of the work would be performed by subcontractors to 44.65%. As the Court noted, Valley Crest's bid was non-responsive because the "specification made listing the subcontract percentages a material element of the bid" in order to determine the percentage of the work that would be performed by Valley Crest. Here, Anderson Pacific is not attempting to change a subcontractor percentage in order to make its bid comply with a specific specification. Thus, the removal of the percentage symbol in Anderson Pacific's bid is inconsequential.

Finally, a potential listing law violation is addressed in the statute. Specifically, section 4110 sets forth the County's remedy as a fine or cancellation of the contract. It does not make the bid nonresponsive.

D. Anderson Pacific Did Not Gain An Advantage Over Other Bidders By Adding A Percent Symbol Because Anderson Pacific Could Not Have Withdrawn Its Bid Based On Such A Claim.

As noted in *Valley Crest*, a bidder can gain an advantage over other bidders if the bidder could have withdrawn its bid due to a mistake in the bid. In order to be relieved from a bid because of a mistake, the bidder must show that the "[t]he mistake made the bid materially different than he or she intended it to be." Public Contract Code section 5103(c).

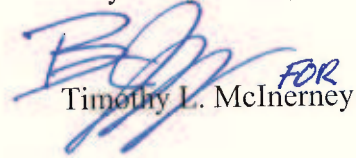
It is clear from Anderson Pacific's bid, that the percentage symbol should not have been included next to each number. If the percentage symbols are removed, then Anderson Pacific's bid would accurately reflect that percentage of work. The percentage for Electricraft, Inc. should be .13 of the total bid amount, which would be approximately \$6.1 million. This would be in line with the other bidders that had the electrical work to be between \$5.8 and \$7.8 million.

Since the alleged error did not affect the total amount, Anderson Pacific would not have been able to withdraw its bid on the grounds that the error made the bid "materially different" than intended.

Dave Flynn
Deputy Public Works Director
December 27, 2013
Page 4

Anderson's bid is responsive. Even if addition of the percent symbol was in error, it is clearly inconsequential and should be waived.

Very Truly Yours,

 FOR
Timothy L. McInerney

TLM/

cc: Anderson Pacific Engineering Construction, Inc.
P. Randolph Finch, Jr. (*via email*), Balfour Beatty Infrastructures
Paavo Ogren, Public Works Director
Jeff Worst, Design Division Manager
John Waddell, Project Manager
Andrew P. Granner, Auburn Constructors, Inc.



INC. 205 South Street, San Luis Obispo, CA 93401

Quote

| | |
|--|---------------------------|
| To: Estimators | From: Jacob Treder |
| ATTN: | Vice President |
| Email: | Pages: 4 |
| Phone: | Date: 11/25/13 |
| Re: Los Osos Water Recycling Facility Electrical Scope | CC: File |

Our fixed price lump sum quotation for the above referenced work is as follows to cover the electrical work including material, tax and labor during straight time hours Monday through Friday for a complete installation as outlined below:

Per Electrical and Instrumentation Drawings as prepared by Carollo dated September 2013.

05AE01 – 05AE08 (Electrical for Administration Building)
06AE01 – 06AE08 (Electrical for Maintenance Building)
00E01 – 00E04, 00N01-00N24 (Legends and Schedules)
ESC01-ESC04, ESC06-ESC17 (Site Plan and Ductbanks)
EOL01-EOL15 (Switchgear)
04E01-04E03, 03N01, 04N01-04N02 (Plant & Storm Drain Pump Stations)
10E01-10E06, 10N01-10N04 (Headworks)
11E01-11E02, 11N01-11N02 (Odor Control Facility)
20E01-20E05, 20N01-20N03 (Oxidation Ditches)
21E01-21E04, 21N01-21N02 (Clarifiers)
23E01-23E04, 23N01 (Scum Pump Station)
28E01-28E03, 28N01-28N03 (Influent Pump Station)
30E01-30E03, 30N01-30N03 (Tertiary Filter)
31E01-31E05, 31N01-31N03 (UV Disinfection)
32E01-32E05, 32N01-32N10 (Chemical Facility)
40E01-40E03, 40N01-40N03 (Effluent Pump Station)
50E01-50E13, 50N01-50N13 (Sludge Storage Tanks)
51E01-51E10, 51N01-51N09 (Dewatering)
60E01-60E06, 60N01-60N08 (Potable Water Pump Station)
70E01-70E09, 70N01-70N04 (Electrical Building) Specification Sections
Typical Details ET01-ET19 and NT01-NT06

Specification sections 02581, 16050, 16052, 16060, 16070, 16075, 16123, 16125, 16130, 16133, 16134, 16136, 16140, 16150, 16210, 16232, 16242, 16245, 16262, 16272, 16285, 16290, 16295, 16305, 16411, 16412, 16422, 16430, 16433, 16444, 16445, 16452, 16494, 16500, 16670, 16710, 16950, 16970, 17050, 17100, 17101-03A, 17101-04A, 17101-04B, 17101-10, 17101-11, 17101-20, 17101-21, 17101-23, 17101-28, 17101-30, 17101-31, 17101-32, 17101-40, 17101-50, 17101-51, 17101-60, 17201, 17206, 17208, 17301, 17302, 17316, 17401, 17402, 17403, 17404, 17405, 17406, 17407, 17407, 17505, 17506, 17509, 17601, 17602, 17622, 17710, 17712, 17713, 17720, 17730, 17733, 17761, 17762, 17901, 17903, 17905 and 17950.

Addendum #1 dated 10/18/13, Addendum #2 dated 10/30/13, Addendum #3 dated 11/6/13, Addendum #4 dated 11/14/13, Addendum #5 dated 11/15/13, Addendum #6 dated 11/19/13 and Addendum #7 dated 11/21/13 noted.

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805.544.8224 • Fax: 805.544.0208 • info@electricraftinc.com • Lic#468443

Bid Item #5 – Instrumentation and Control Systems \$1,227,450.00

Specifically included are the following:

1. Level, Flow, Pressure, Analytical and Weight instruments.
2. Control Panels PCM-1, PCM-2, NP-1, NP-2, NR-Main and SCADA Consoles.
3. Level Switching Panels LCP-500 and LCP-603
4. UPS Equipment, PLC Hardware/Software, Computer Equipment.
5. SCADA Hardware, SCADA Software, Application Software and programming.
6. Submittals, Loop Drawings, O&M's, Close out documentation and Training.

Specifically excluded are the following:

1. Conduit, wiring, instrument installation and connection is included in electrical bid item.
2. Instruments shown as provided by packaged system vendors.
3. Vendor provided control panels.
4. Mechanical Panels OCDFS, SPCFS and FIPSSS.
5. HMI hardware/Software referenced in Spec Section 17721 and 17765 is understood to be related to packaged vendor panels and is not included in our scope.
6. Network switches provided by owner.

Bid Item #6 Electrical System Studies..... \$31,500.00

Bid Item #9 Electrical for Los Osos Water Recycling Facility \$5,095,228.00

Specifically included are the following:

1. Electrical associated with the Admin and Maintenance Buildings
2. Plant electrical and instrumentation installation per drawings.
3. Lightning protection.
4. Fire system monitoring and alarm.
5. Equipment Stands for electrical and instrumentation equipment.
6. Local Control Panels.
7. Precast Electrical Handholes and Manholes.
8. Electrical switchgear including Variable Frequency Drives.
9. Fiber Optic installation, termination and testing.
10. Process cameras and CCTV.

Specifically excluded are the following:

1. Permits and utility fees.
2. Surveying and staking.
3. Vendor Control Panels and packaged equipment control panels.
4. Electric motors, valves, and submersible pumps.
5. Floats associated with submersible pumps.
6. Coatings and painting.
7. Entry Gates 1 & 2 and card readers.
8. Duct Smoke Detectors are understood to be supplied by the mechanical contractor.
9. Mounting field instruments within mechanical system and associated manifolds and valves.
10. Cathodic Protection for tank and pipeline systems. Corrosion monitoring.
11. Concrete bases, curbs and housekeeping pads associated with lighting fixtures, equipment stands, conduits and electrical switchgear and transformers.
12. Temporary Power to job trailers and site construction activities.
13. Generator and fuel tanks (see below adder).
14. Electrical duct bank excavation, set vaults, backfill, compaction, rebar, concrete and forming as required (see below adder).

Z:\Bids\Los Osos WWTP\Quote Los Osos WWTP Electricraft.doc

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805.544.8224 • Fax: 805.544.0208 • info@electricraftinc.com • Lic#468443

Generator Adder \$485,431.00

Specifically included are the following:

1. 1500KW Diesel Generator
2. Pick and Set Generator in Place (Must happen prior to roof installation)
3. 1000KW Load Bank
4. Exhaust Silencer, bracket bands, and flex connectors. 16" outlet required (drawings show 14")
5. 3000Gallon Main Fuel Tank, 150 Gallon Day Tank, monitoring system, tank venting material, valves and hardware.
6. Remote fill station.

Specifically excluded are the following:

1. Concrete pads for generator and fuel tanks.
2. Load Bank support pedestal, radiator shroud transition duct, radiator flexible connector and discharge silencer are excluded.
3. Installation of Exhaust Silencer including insulation, roof thimble and piping.
4. Mechanical fuel piping.
5. Diesel Fuel (Only fuel for startup and testing included) Spec does not state requirement.

Electrical Trench Excavation and Duct Bank Adder..... \$638,343.00

Specifically included are the following:

1. Excavation, shoring and removal of spoils for electrical trenches, duct banks and vaults
2. Prepare subgrade and set electrical vaults.
3. Install rebar cages.
4. Class CE Concrete encasement
5. Backfill and compact native soil above concrete encasement and around vaults. Sand backfill material where required for Utility conduits.
6. Los Osos Valley Road Crossing for PG&E power conduit.

Specifically excluded are the following:

1. Rock Conditions.
2. Soils testing.
3. Engineering, elevations and grades.
4. Concrete pumping.
5. Storm Water Prevention Program and implementation on site.

Total for all above..... \$7,477,952.00

Bond Adder..... \$0.8% of total

In accordance with the California Code of Regulations Title 8, Chapter 2, Subchapter IV our electricians have been tested and are certified Journeyman General Electricians. Our standard additional insured endorsement CG 2010 11 65 is included in this quote. Any additional endorsements or waivers can be provided at an additional charge.

Thank you for the opportunity to quote. This quote is valid for a period of 30 days. Our invoices are due and payable upon presentation. All balances over 30 days past due shall have service charges added of 1.5% per month. Subject to review, approval and acceptance of your purchase order or subcontract agreement. Please feel free to call regarding any questions you may have.

Sincerely,

Z:\Bids\Los Osos WWTP\Quote Los Osos WWTP Electricraft.doc

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Los Osos WWTP
Electricraft, Inc.
11/22/13

Jacob Treder
Vice President

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**FINAL DECISION ON RESPONSIVENESS
OF ANDERSON PACIFIC'S BID**

**Los Osos Wastewater project – Water Recycling Plant
Contract No. 300448.08.02**

Bid opening Date: November 25, 2013

Exhibit G

**List of Subcontractors form from
Balfour Beatty Infrastructure, Inc.**

SECTION 00480

LIST OF SUBCONTRACTORS

In compliance with the provisions of Sections 4100-4113 of the Public Contract Code of the State of California, and any amendments thereto, the undersigned bidder sets forth the following:

a. The name and location of the place of business of each subcontractor who will perform work or labor, or render service to the undersigned Prime Contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the Prime Contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of one percent of the undersigned Prime Contractor's total bid or in the case of bids for the construction of streets and highways, including bridges, in excess of one-half of one percent or ten thousand dollars (\$10,000), whichever is greater.*

b. The portion of the work which will be done by each such subcontractor. Only one subcontractor shall be listed for each such portion.

*When there is a failure to list a subcontractor, as required, the law provides that the Contractor agrees to do the work with his or her own forces. In such case, bidder must be authorized to perform said work. Any bid not complying with the provisions hereof may be rejected.

Electrical Subcontractors must be pre-qualified to perform electrical specialty trade work. The final list of pre-qualified Electrical Subcontractors posted at

http://www.slocounty.ca.gov/PW/Design_Division/Projects_Out_To_Bid.htm

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|---------------------------|----------------|---------------------------|------------------------------------|
| 1. HDPE LINER | 733203 | 0.56 | D+E CONSTRUCTION VISALIA |
| 2. METAL BUILDING | 93447 | 0.61 | DURECK CONSTRUCTION 7450 ROBLES |
| 3. EDMA CB CMU | 777782 | 1.1 | STONE7 MASONRY MADERA |
| 4. ROOFING | 369343 | 0.61 | CENCAL MORRO BAY |

SECTION 00480

LIST OF SUBCONTRACTORS

In compliance with the provisions of Sections 4100-4113 of the Public Contract Code of the State of California, and any amendments thereto, the undersigned bidder sets forth the following:

- a. The name and location of the place of business of each subcontractor who will perform work or labor, or render service to the undersigned Prime Contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the Prime Contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of one percent of the undersigned Prime Contractor's total bid or in the case of bids for the construction of streets and highways, including bridges, in excess of one-half of one percent or ten thousand dollars (\$10,000), whichever is greater.*
- b. The portion of the work which will be done by each such subcontractor. Only one subcontractor shall be listed for each such portion.

*When there is a failure to list a subcontractor, as required, the law provides that the Contractor agrees to do the work with his or her own forces. In such case, bidder must be authorized to perform said work. Any bid not complying with the provisions hereof may be rejected.

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http://www.slocounty.ca.gov/PW/Design_Division/Projects_Out_To_Bid.htm

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|----------------------|----------------|---------------------------|-----------------------------------|
| 1. FENCING | 886544 | 0.53 | FENCE Corp RIVERSIDE |
| 2. GRS BLOCKWALL | 640631 | 0.50 | CML CONSTRUCTION ARROYO GRANDE |
| 3. Rough Carpentry | 437271 | 0.8 | DON KINZEL BAKERSFIELD |
| 4. | | | |

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|---------------------------------|----------------|---------------------------|----------------------------------|
| 5. ELECTRICAL * INSTRUMENTATION | 468443 | 16.9 | ELECTRICRAFT SAN LUIS OBISPO |
| 6. MONORAIL CRANE | 105023 | 0.6 | GCI CORONA |
| 7. WELDED STEEL TANKS | 784971 | 0.65 | PASO ROBLES TANK PASO ROBLES |
| 8. REBAR | 874313 | 4.1 | HARRIS REBAR FRESNO |
| 9. PAINTING & COATING | 630888 | 2.3 | K + K TEMPERUA |
| 10. AC PAVING | 89 | 1.07 | GRANITE SAN LUIS OBISPO |
| 11. CURB & GUTTER | 89 | 0.78 | GRANITE SAN LUIS OBISPO |
| 12. HVAC | 821827 | 1.42 | JAMES LONG SACRAMENTO |

(ATTACH ADDITIONAL NUMBERED PAGES IF NEEDED)

Balfour Beatty Infrastructure, Inc.

(Name of Bidder)

11/21/13
Crandall Bates (Signature) VP/Regional Manager

CB → (Date)

END OF SECTION

00480-2



**FINAL DECISION ON RESPONSIVENESS
OF ANDERSON PACIFIC'S BID**

**Los Osos Wastewater project – Water Recycling Plant
Contract No. 300448.08.02**

Bid opening Date: November 25, 2013

Exhibit H

**List of Subcontractors form from
Archer Western Const., LLC**

SECTION 00480

LIST OF SUBCONTRACTORS

In compliance with the provisions of Sections 4100-4113 of the Public Contract Code of the State of California, and any amendments thereto, the undersigned bidder sets forth the following:

- a. The name and location of the place of business of each subcontractor who will perform work or labor, or render service to the undersigned Prime Contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the Prime Contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of one percent of the undersigned Prime Contractor's total bid or in the case of bids for the construction of streets and highways, including bridges, in excess of one-half of one percent or ten thousand dollars (\$10,000), whichever is greater.*
- b. The portion of the work which will be done by each such subcontractor. Only one subcontractor shall be listed for each such portion.

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http://www.slocounty.ca.gov/PW/Design_Division/Projects_Out_To_Bid.htm

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|-----------------------------|----------------|---------------------------|----------------------------------|
| 1. * See attached sheets | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |

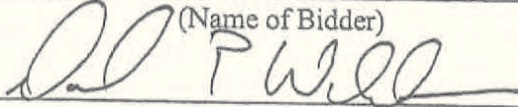
Concrete Decking

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|----------------------|------------------|---------------------------|---|
| 5. DECKING | 9A4430 C2/D39 | 1% | SAFEGUARD SERVICES LLC 601 W. 140TH ST. GARDENA, CA 90248 |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |

PW

(ATTACH ADDITIONAL NUMBERED PAGES IF NEEDED)

Archer Western Construction LLC

(Name of Bidder)

 (Signature) Daniel P. Walsh
 11/25/13
 (Date)

END OF SECTION

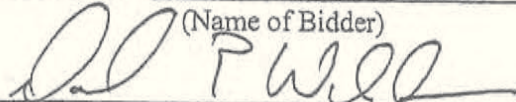
00480-2

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|----------------------------------|----------------|---------------------------|---|
| 5. DAVIT CRANE & MONORAIL SYSTEM | 105023 | | GENERAL CONVEYOR INC. 13385 ESTELLE STREET CORONA, CA 92879 |
| 6. DAVIT CRANE & MONORAIL SYSTEM | 912179 | 0.5% | PACIFIC CRANE & HOIST 325-C N. PUENTE STREET BREA, CA 92891 |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |

(ATTACH ADDITIONAL NUMBERED PAGES IF NEEDED)

Archer Western Construction LLC

(Name of Bidder)



(Signature) Daniel P. Walsh

11/25/13

(Date)

END OF SECTION

00480-2

Electrical

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|---------------------------------|----------------|---------------------------|---|
| 5. ELECTRICAL & INSTRUMENTATION | 606405 | | AUBURN CONSTRUCTORS INC. 730 WEST STADIUM LN. SACRAMENTO, CA 95831-1130 |
| 6. ELECTRICAL & INSTRUMENTATION | CID-85046 | | BERG ELECTRIC CORP. 650 OPPER STREET ESCONDIDO, CA 92029 |
| 7. ELECTRICAL & INSTRUMENTATION | 468443 | 11 1/6 | ELECTRICRAFT INC. 205 SOUTH STREET SAN LUIS OBISPO, CA 93401 |
| 8. ELECTRICAL & INSTRUMENTATION | 222252 | | SOUTHERN CONTRACTING CO. 559 TWIN OAKS VALLEY RD. SAN MARCOS, CA 92079 |
| 9. ELECTRICAL & INSTRUMENTATION | CID-274276 | | THOMA ELECTRIC 3562 EMERALD, STE-C PO BOX 11167 SAN LUIS OBISPO, CA 93406 |
| 10. | | | |
| 11. | | | |
| 12. | | | |

DW

(ATTACH ADDITIONAL NUMBERED PAGES IF NEEDED)

Archer Western Construction LLC

(Name of Bidder)

[Signature]

(Signature) Daniel P. Walsh

11/25/13

(Date)

END OF SECTION

00480-2

Flatwork

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|-------------------------|----------------|---------------------------|--|
| 5. Curb/gutter/sidewalk | 667636 | 0.5% | Williams Concrete & Gr. Eng 2920 CEDAR AVE Morro Bay, CA 93442 |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |

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(ATTACH ADDITIONAL NUMBERED PAGES IF NEEDED)

Archer Western Construction LLC

(Name of Bidder)

[Signature]

(Signature) Daniel P. Walsh

11/25/13

(Date)

END OF SECTION

00480-2

Liner

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|----------------------|----------------|---------------------------|--|
| 5. HDPE LINER | 629049 | | FIELD LINING Systems 439. S. 3rd AVE AVONDALE, AZ 85322 |
| 6. HDPE LINER | 594142 | | BARBER-WEBB Co 3833 E NEOFORD ST LOS ANGELES, CA 90063 |
| 7. HDPE LINER | 837614 | | LOAFIELD 2500 Sweetwater Springs BLVD #110 Spring Valley, CA 91978 |
| 8. HDPE LINER | 874068 | | EC Applications PO Box 50508 SPARKS, NV 89435 |
| 9. HDPE LINER | 733203 | 0.5% | DEE Construction 14175 AVE 914 VISALIA, CA 93202 |
| 10. | | | |
| 11. | | | |
| 12. | | | |

DW

(ATTACH ADDITIONAL NUMBERED PAGES IF NEEDED)

Archer Western Construction LLC

(Name of Bidder)

[Signature]

(Signature) Daniel P. Walsh

11/25/13

(Date)

END OF SECTION

00480-2

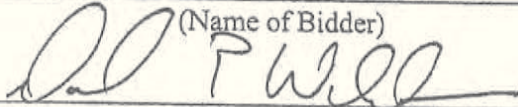
HVAC

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|----------------------|----------------|---------------------------|---|
| 5. HVAC | 679326 | | BLOCKA CONSTRUCTION INC 4455 ENTERPRISE ST. FREMONT, CA 94358 |
| 6. HVAC | 460935 | | UNITED TEAM MECHANICAL 151 NORTH 600 WEST KAYSVILLE UT 84037 |
| 7. HVAC | 821827 | 170 | JAMES LONG CONSTRUCTION PO BOX 189517 SACRAMENTO, CA 95818 |
| 8. | | | |
| 9. | | | |
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Archer Western Construction LLC

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 (Signature) Daniel P. Walsh
 11/25/13
 (Date)

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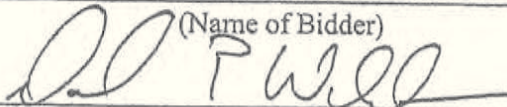
MASONRY

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|----------------------|----------------|---------------------------|--|
| 5. MASONRY | 777782 | 12 | STEVE MASONRY 12454 ROOBERN CT. MADERA, CA 93637 |
| 6. MASONRY | 981470 | | ROCKY BONDSEN MASONRY 4073 LOCK LOMBARD DR. GRUETT, CA 93855 |
| 7. MASONRY | 496931 | | Santa Maria masonry 456 WYANUS CT MILPITAS, CA 95034 |
| 8. MASONRY | 861556 | | Dorfmeier Masonry 4685 E. Hedges Ave FRESNO, CA 93703 |
| 9. MASONRY | | | |
| 10. MASONRY | | | |
| 11. MASONRY | | | |
| 12. MASONRY | | | |

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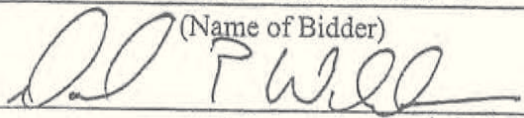
metal Building

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|----------------------|----------------|---------------------------|---|
| 5. metal Building | 510565 | 17% | Gonzales Construction 19531 Ventura Tarzana, CA |
| 6. | | | |
| 7. | | | |
| 8. | | | |
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11/25/13
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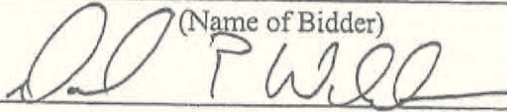
Paint

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|-------------------------|----------------|---------------------------|---|
| 5. Painting & Coatings | 233474 | | COR-RAY PAINTING 10114 SHOREMAYNE SANTA FE SPRINGS, CA 90670 |
| 6. Painting & Coatings | 310594 | | MURPHY INDUSTRIAL COATINGS 2704 GUNDRY AVE. SIGNAL HILL, CA 90755 |
| 7. Painting & Coatings | 742112 | | PARADA PAINTING PO BOX 340 FOUNTL, CA 92074 |
| 8. Painting & Coatings | 936172 | | CL INDUSTRIAL COATINGS 11650 WESTERN AVE. ST. LOUIS, CA 90680 |
| 9. Painting & Coatings | 630888 | 12 | KPK PAINTING & COATINGS 42095 ZENO DR. #14 TEMECULA, CA 92590 |
| 10. Painting & Coatings | 886430 | | National Coatings & Linings 26713 madison ave MURRICA, CA 92562 |
| 11. Painting & Coatings | 610403 | | FD Thomas PO Box 41663 Madison, OR |
| 12. | | | |

DW

(ATTACH ADDITIONAL NUMBERED PAGES IF NEEDED)

Archer Western Construction LLC

(Name of Bidder)

 (Signature) Daniel P. Walsh
 11/25/13
 (Date)

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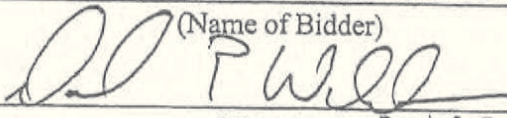
00480-2

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|----------------------|----------------|---------------------------|--|
| 5. PLUMBING | 267392 | 0.5% | ASTRO MECHANICAL 603 S. MARSHALL AVE. EL CAJON, CA 92020 |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
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Archer Western Construction LLC

(Name of Bidder)

 (Signature) Daniel P. Walsh

11/25/13
 (Date)

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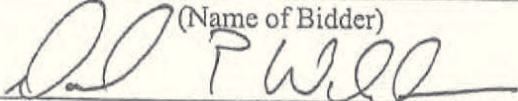
Rebar

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|----------------------|----------------|---------------------------|--|
| 5. REBAR | 778010 | | CMC REBAR 2990 E. ANNADALE AVE FRESNO, CA 93725 |
| 6. REBAR | #CSO 695035 | 3% | HARRIS REBAR 355 S. YASCO RD LIVERMORE, CA 94550 |
| 7. | | | |
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Archer Western Construction LLC

(Name of Bidder)

 (Signature) Daniel P. Walsh

11/25/13
 (Date)

END OF SECTION

00480-2

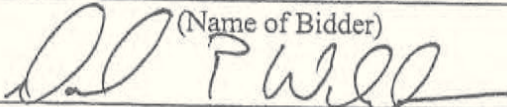
ROOFING

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|----------------------|----------------|---------------------------|--|
| 5. ROOFING | 688681 | | JS ROOFING 1831 Belle Terrace Bakersfield, CA 93304 |
| 6. ROOFING | 538295 | | Puebleo Construction 832 Aracapa St. Suite 310 Santa Barbara, CA 93101 |
| 7. Roofing | 369343 | | Cencae Roofing 3030 Main St. Manteca, CA 95342 |
| 8. Roofing | 389696 | | Ranig Construction 4540 Broad St. San Luis Obispo, CA |
| 9. Roofing | 456263 | 1% | Best Contracting Services Gardena, CA |
| 10. | | | |
| 11. | | | |
| 12. | | | |

DW

(ATTACH ADDITIONAL NUMBERED PAGES IF NEEDED)

Archer Western Construction LLC

(Name of Bidder)

 (Signature) Daniel P. Walsh
 11/25/13
 (Date)

END OF SECTION

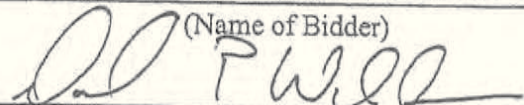
00480-2

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|----------------------|----------------|---------------------------|---|
| 5. WELDED STEEL TANK | 333989 | 0.5% | SPIESS CONSTRUCTION COMPANY P.O. BOX 2849 SANTA MARIA, CA 93457 |
| 6. WELDED STEEL TANK | 835288 | | CROSNO CONSTRUCTION, INC. 819 SHERIDAN RD. ARROYO GRANDE, CA 93420 |
| 7. WELDED STEEL TANK | 659385 | | PACIFIC TANK 32236 PASSED ADELANTO STE. A SAN JUAN CAPISTRANO, CA 92675 |
| 8. WELDED STEEL TANK | 784971 | | PASO ROBLES TANK, INC. 815 26th STREET PASO ROBLES, CA 93446 |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |

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Archer Western Construction LLC

(Name of Bidder)

 (Signature) Daniel P. Walsh

11/25/13
 (Date)

END OF SECTION

00480-2

~~WOOD FRAMING~~ (DW)

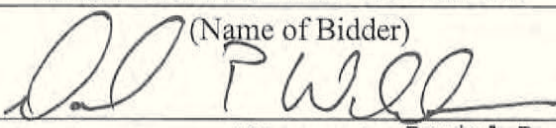
| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|----------------------------------|----------------|---------------------------|--|
| 5. Wood Framing | 437271 | 1% | Don Ainvel Construction 4300 Easton Dr. #2 Bakersfield, CA 93309 |
| 6. | | | |
| 7. | | | |
| 8. Asphalt Paving ABC Roadway | 523019 | 1% | Cal Port Land Construction 1625 E. Penovan Rd. Santa Maria, CA 93454 |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |

DW

DW

(ATTACH ADDITIONAL NUMBERED PAGES IF NEEDED)

Archer Western Construction LLC

(Name of Bidder)

 (Signature) Daniel P. Walsh

11/25/2013
 (Date)

END OF SECTION

00480-2



**FINAL DECISION ON RESPONSIVENESS
OF ANDERSON PACIFIC'S BID**

**Los Osos Wastewater project – Water Recycling Plant
Contract No. 300448.08.02**

Bid opening Date: November 25, 2013

Exhibit I

**List of Subcontractors form from
PCL Construction, Inc.**

SECTION 00480

LIST OF SUBCONTRACTORS

In compliance with the provisions of Sections 4100-4113 of the Public Contract Code of the State of California, and any amendments thereto, the undersigned bidder sets forth the following:

a. The name and location of the place of business of each subcontractor who will perform work or labor, or render service to the undersigned Prime Contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the Prime Contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of one percent of the undersigned Prime Contractor's total bid or in the case of bids for the construction of streets and highways, including bridges, in excess of one-half of one percent or ten thousand dollars (\$10,000), whichever is greater.*

b. The portion of the work which will be done by each such subcontractor. Only one subcontractor shall be listed for each such portion.

*When there is a failure to list a subcontractor, as required, the law provides that the Contractor agrees to do the work with his or her own forces. In such case, bidder must be authorized to perform said work. Any bid not complying with the provisions hereof may be rejected.

Electrical Subcontractors must be pre-qualified to perform electrical specialty trade work. The final list of pre-qualified Electrical Subcontractors posted at

http://www.slocounty.ca.gov/PW/Design_Division/Projects_Out_To_Bid.htm

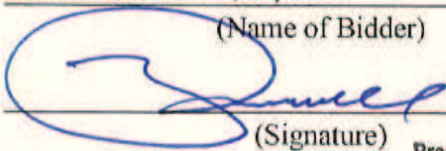
| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|--------------------------|----------------|---------------------------|---|
| 1. Welded Steel tank | 784971 | .5 | Paso Robles Tank Paso Robles, CA |
| 2. Monorail/Davit Cranes | 105023 | .6 | General Bulevar Carona, CA |
| 3. Suspended Slab Forms | 225339 | .7 | Harsco Infrastructure Cranz Hill, PA |
| 4. Rebar | 695035 | 3.1 | Harris Rebar Livermore, CA |

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|---------------------------------|--------------------------|---------------------------|---|
| 5. Masonry | 496931 | .8 | Santa Maria Masonry Nizoma, CA |
| 6. AC Paving | 523019 | 1.2 | Cal Portland Construction Santa Maria, CA |
| 7. Plumbing | 267392 | .6 | Astro Mechanical El Cajon, CA |
| 8. Structural Concrete (Portra) | 818119 | 2.9 | McGuire Contracting Fontana, CA |
| 9. Metal Siding/ Roofing | 538255 727469 | 1.20 .6 | Wicks Roofing & TR Pelle Construction Santa Barbara, CA ^{Santa Luis Obispo} CA |
| 10. Misc. Metals | 164718 | 1.9 | Allied Steel Riverside, CA |
| 11. HVAC | 821827 | 1.1 | James Long Construction Sacramento, CA |
| 12. Painting/T-look | 742112 | 1.2 | Parade Painting Paway, CA |

(ATTACH ADDITIONAL NUMBERED PAGES IF NEEDED)

PCL CONSTRUCTION, INC.

(Name of Bidder)



(Signature)

Tom O'Donnell
President & District Manager

11-25-2013

(Date)

END OF SECTION

00480-2

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|----------------------|---------------------------------|---------------------------|--|
| Earth work | 902334 | 3.1 | Mass X Inc. Clovis, CA |
| Electrical | 468443 274276 TRO | 13.4 | Electricraft Inc. San Luis Obispo, CA |
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00480-2



**FINAL DECISION ON RESPONSIVENESS
OF ANDERSON PACIFIC'S BID**

**Los Osos Wastewater project – Water Recycling Plant
Contract No. 300448.08.02**

Bid opening Date: November 25, 2013

Exhibit J

**List of Subcontractors form from
Auburn Constructors, Inc.**

SECTION 00480**LIST OF SUBCONTRACTORS**

In compliance with the provisions of Sections 4100-4113 of the Public Contract Code of the State of California, and any amendments thereto, the undersigned bidder sets forth the following:

- a. The name and location of the place of business of each subcontractor who will perform work or labor, or render service to the undersigned Prime Contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the Prime Contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of one percent of the undersigned Prime Contractor's total bid or in the case of bids for the construction of streets and highways, including bridges, in excess of one-half of one percent or ten thousand dollars (\$10,000), whichever is greater.*
- b. The portion of the work which will be done by each such subcontractor. Only one subcontractor shall be listed for each such portion.

*When there is a failure to list a subcontractor, as required, the law provides that the Contractor agrees to do the work with his or her own forces. In such case, bidder must be authorized to perform said work. Any bid not complying with the provisions hereof may be rejected.

Electrical Subcontractors must be pre-qualified to perform electrical specialty trade work. The final list of pre-qualified Electrical Subcontractors posted at
http://www.slocounty.ca.gov/PW/Design_Division/Projects_Out_To_Bid.htm

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|----------------------|----------------|---------------------------|-------------------------------------|
| 1. Earthwork | 902334 | 6.0% | Mass X Clouls, CA |
| 2. Rebar | 595035 | 3.7% | Harris Livermore, CA |
| 3. Steel Tank | 784971 | 0.6% | Paso Robles Tank Paso Robles, CA |
| 4. Painting | 742112 | 1.2% | Parada Poway, CA |

| Work to be Performed | License Number | Percent of Total Contract | Subcontractor's Name and Address |
|------------------------------|-------------------|---------------------------|----------------------------------|
| 5. HVAC | 821827 | 1.2% | James Long Sacramento, CA |
| 6. Masonry | 496931 | 1.0% | Santa Maria N. Tomo, CA |
| 7. Building Concrete | 372223 | 1.0% | Hilyard Concrete S.L.O., CA |
| 8. Metal Building | 510565 | 1.0% | Gonzales Tarzana, CA |
| 9. Carpentry | 437271 | 1.0% | Kinzel Bakersfield, CA |
| 10. Metal Roofing | 389646 | 1.3% | Ranig S.L.O., CA |
| 11. Metal Roofing | 727469 | 1.0% | Wicks S.L.O., CA |
| 12. | | | |

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APG

(ATTACH ADDITIONAL NUMBERED PAGES IF NEEDED)

Auburn Constructors, Inc.

(Name of Bidder)



(Signature)

Andrew P. Granner, President

November 25, 2013

(Date)

END OF SECTION

00480-2